

[COUNSEL LISTED ON FINAL PAGE]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. CV 10-03561 WHA

**STIPULATION AND [PROPOSED]
ORDER RE *APPLE* v. *SAMSUNG*
MATERIALS**

Dept.: Courtroom 8, 19th Floor
Judge: Honorable William H. Alsup

STIPULATION AND [PROPOSED] ORDER
RE *APPLE* v. *SAMSUNG* MATERIALS
CV 10-03561 WHA

1 WHEREAS, the Court has ordered production of Rule 706 Expert Dr. James Kearl's
2 reports and testimony from *Apple v. Samsung*, Case No. 12-cv-00630 (N.D. Cal.); and

3 WHEREAS, Dr. Kearl's reports and testimony were originally produced in this action in
4 redacted form; and

5 WHEREAS, Oracle objected to the production of the materials in redacted form; and

6 WHEREAS, in order to report to the Court by September 24, 2015, Oracle, Google, and
7 Dr. Kearl (through counsel) have met and conferred with non-parties Samsung and Apple
8 regarding the production of Dr. Kearl's materials in unredacted form; and

9 WHEREAS, Oracle subpoenaed Dr. Kearl for unredacted versions of his materials at the
10 request of Dr. Kearl's attorney in order to assist in resolution of this dispute; and

11 WHEREAS, Oracle, Google, Dr. Kearl and non-parties Samsung and Apple have reached
12 an agreement regarding the form of production of Dr. Kearl's materials;

13 THEREFORE, it is hereby stipulated by and among counsel for Oracle, counsel for
14 Google, counsel for Dr. Kearl, and counsel for non-parties Samsung and Apple as follows:

15 1. Dr. Kearl's documents labeled KEARL00001 to KEARL01965 first produced on
16 August 20, 2015 in redacted form shall be produced again on or before October 2, 2015 in
17 unredacted form, except that non-parties Samsung and Apple may redact the confidential
18 information of other third parties only;

19 2. The production of the documents containing redactions of confidential information
20 of third parties other than Samsung and Apple is without prejudice to Oracle's renewed request,
21 once it has reviewed the otherwise unredacted documents, to seek such further information.
22 Samsung and Apple preserve all rights to seek a protective order or other appropriate relief,
23 whether before this Court or before another court, in the event Oracle renews its request for third
24 party confidential information;

25 3. Non-parties Samsung and Apple may designate the confidential produced
26 materials as HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL'S EYES ONLY, and for
27 purposes of this stipulation and these documents only, the Protective Order (ECF No. 68) in this
28 case is hereby modified to eliminate the category of House Counsel receiving access to HIGHLY

1 CONFIDENTIAL materials. Access to Dr. Kearl's documents to be produced on or before
2 October 2, 2015 with Samsung's confidential information unredacted and Apple's confidential
3 information unredacted shall be limited to five outside counsel for Oracle and five outside
4 counsel for Google in the above captioned case;

5 4. The parties shall otherwise use the documents only for purposes of this case;

6 5. The parties agree that Dr. Kearl's obligations under the Court's order dated July
7 31, 2015 (ECF No. 1277) and Oracle's subpoena dated September 18, 2015 are hereby discharged
8 by this Stipulation.

9 Dated: September 23, 2015

ORRICK, HERRINGTON & SUTCLIFFE
LLP

10 By: /s/ Annette L. Hurst
11 ANNETTE L. HURST

12 *Attorneys for Plaintiff*
13 ORACLE AMERICA, INC.

14
15 Dated: September 23, 2015

KEKER & VAN NEST LLP

16 By: /s/ Robert A. Van Nest
17 ROBERT A. VAN NEST

18 *Attorneys for Defendant*
19 GOOGLE INC.

20 Dated: September 23, 2015

FARELLA BRAUN + MARTEL LLP

21 By: /s/ John L. Cooper
22 JOHN L. COOPER

23 *Attorney for*
24 Dr. James R. Kearl

1 Dated: September 23, 2015

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

2
3 By: /s/ Michael Fazio

MICHAEL FAZIO

4 *Attorneys for*
5 Samsung Electronics Co., Ltd.

6 Dated: September 23, 2015

WILMER CUTLER PICKERING HALE
AND DORR LLP

7
8 By: /s/ Peter Kolovos

PETER KOLOVOS

9 *Attorneys for Apple Inc.*

10
11 **ATTESTATION OF CONCURRENCE**

12 I, Annette L. Hurst, the ECF User whose ID and password are being used to file this
13 Stipulation and [Proposed] Order re *Apple v. Samsung* Materials, hereby attest that Robert Van
14 Nest, John L. Cooper, Michael Fazio, and Peter Kolovos have concurred in this filing.

15 Dated: September 23, 2015

By: /s/ Annette L. Hurst

16
17
18 **ORDER**

19 The foregoing stipulation is approved, and IT IS SO ORDERED.

20
21 Date: _____

Honorable William Alsup
Judge of the United States District Court